IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4387 OF 2005
WITH
CRIMINAL APPLICATION NO.4388 OF 2005
WITH
CRIMINAL APPLICATION NO.4390 OF 2005
WITH
CRIMINAL APPLICATION NO.4391 OF 2005

Shailesh R. Shah. ..Applicant.

V/s.

Chandrakant Naraindas Gulati & Ors..Respondents.

Mr.S.V.Marwadi i/b. Jayesh P. Yagnik for applicant.

Mr.Kishore Bhatia, for Respondent No.1.

Mr.U.V.Nikam, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : NOVEMBER 19, 2005.

P.C. :

1. Heard.

2. In my opinion, this petition is entirely misconceived. The grievance about the inappropriate procedure followed by the concerned court, if at all exists, could have been taken up only when the matter is brought before this court after the final Judgment were to be passed by that court. Going by the reasons recorded by the lower Court in its order dated 11th June, 2005, I see no infirmity, for, the

lower court has made it clear to the applicant that the matter will have to be heard as revision and not as an appeal. Argument of the applicant that the revision should be treated as an appeal is misconceived. Unless statutory appeal is provided for, Court cannot be expected to consider the revision as a regular appeal. Hence, all these petitions are dismissed.

3. I refrain myself from imposing exemplary costs which, I ordinarily would have imposed for such petitions taken up before the High court, which are totally misconceived.

4. The Revision Court is directed to proceed with the Revisions in accordance with the law and dispose of the same expeditiously.